IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 461 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BALVANT BABAUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

Petition THROUGH JAIL by the Petitioner.

Mr.A.Y. Kogje, Additional PUBLIC PROSECUTOR, for Respondent No. 1

RULE SERVED for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 24/06/2004

ORAL JUDGEMENT

Mr.A.Y. Kogje, learned APP, submitted that in connection with the present application, the Police

Officer visited the house of the accused and even statements of the father and brother of the petitioner are also taken. It is submitted by him that the father has stated that even though the house is in a dilapidated condition, so far as the petitioner-accused is concerned, he has not yet married at all and hence, there is no question of he having wife and children, as alleged in his application for parole. The brother of the accused has also given a statement to the effect that the petitioner has not married and he is a bachelor.

Mr.Kogje also read the statement before me, which the Police Authority has recorded. It is clear that the averments made in the application by the petitioner that he is married and he is having two sons, are false. In that view of the matter, no relief can be given to the petitioner, as he has not stated correct facts. Hence, this Special Criminal Application is rejected. Rule is discharged.

24th June, 2004 (P.B. Majmudar, J.)

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(apj)